



ADMINISTRATIVE MANUAL

<i>SUBJECT:</i> GRIEVANCE AND COMPLAINT PROCEDURES Sexual and Other Harassment	<i>Chapter:</i> 12
	<i>Section:</i> 12.3
<i>REFERENCES:</i> Title VII, Civil Rights Act of 1964	<i>Page:</i> 1 of 6
	<i>Revised:</i> 6-21-02

SEXUAL AND OTHER HARASSMENT

I. PURPOSE:

To define sexual and other harassment and establish guidelines for employees and managers to manage complaints of sexual and other harassment.

II. SCOPE:

Departmentwide.

III. POLICY:

It is the policy of the Department to assure a workplace free of harassment for all employees and clients. The Department believes that all employees should feel free to work without fear of harassment or retaliation (See Attachment). Managers/supervisors must respond immediately to all complaints of harassment. All complaints of sexual or other harassment shall be handled in an expeditious manner and may be subject to an investigation. This policy applies to all levels of Department employees and to all interactions between a Department employee and co-workers, supervisors, department management, other state employees, clients of the Department and other members of the public. Any behavior that can be considered harassing in nature either sexually or otherwise is inappropriate and strictly prohibited.

IV. DEFINITIONS:

A. Sexual Harassment:

The Department shall consider unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature as constituting sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;



ADMINISTRATIVE MANUAL

<i>SUBJECT:</i> GRIEVANCE AND COMPLAINT PROCEDURES Sexual and Other Harassment	<i>Chapter:</i> 12
	<i>Section:</i> 12.3
<i>REFERENCES:</i> Title VII, Civil Rights Act of 1964	<i>Page:</i> 2 of 6
	<i>Revised:</i> 6-21-02

2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

B. Other Harassment:

Any physical or verbal conduct or actions that are inappropriate in the workplace and that has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile, intimidating or offensive work environment.

C. Power-differentiated Working Relationships:

Any supervisor-subordinate work relationship in which one employee supervises or manages (directly or indirectly) another employee or makes decisions concerning another employee's terms, conditions or privileges of employment. This definition is extended to include Department employees who, in the scope of their position, make decisions concerning other citizens which affect the citizens' livelihood. Examples include, but are not limited to, the issuing of contracts, licensing, and any inspections.

V. GUIDANCE:

A. Recognizing Sexual Harassment:

1. All supervisors of the Department shall participate in sexual harassment training.
2. Employees shall read and acknowledge acceptance of this policy by signing a verification provided by the Department.



ADMINISTRATIVE MANUAL

<i>SUBJECT:</i> GRIEVANCE AND COMPLAINT PROCEDURES Sexual and Other Harassment	<i>Chapter:</i> 12
	<i>Section:</i> 12.3
<i>REFERENCES:</i> Title VII, Civil Rights Act of 1964	<i>Page:</i> 3 of 6
	<i>Revised:</i> 6-21-02

3. New employee orientation shall contain information relating to the Department's policy on sexual harassment.
4. Employees shall read and acknowledge acceptance of this policy by signing a verification provided by the Department.

B. Examples of Sexual Harassment:

The following list of examples is not meant to be inclusive and should not be viewed as the only prohibited behaviors. It is a list of examples of behavior which are outside appropriate and acceptable work demeanor.

1. Verbal: Sexually suggestive language, comments, innuendoes, propositions, threats or jokes. This includes slang and curse words that are gender based and may include repeated references to others as "doll, honey, baby, sugar, little girl or boy" etc. These labels may be considered demeaning and are not appropriate in a professional work environment.
2. Nonverbal: Suggestive or insulting sounds, whistling, leering, obscene gestures, sexually suggestive body gestures, "catcalls," "smacking," and/or kissing noises.
3. Visual: Sexually suggestive written documents containing explicit language or graphic descriptions, pictures, pinups, or slogans. Anatomical descriptions or descriptions of articles of clothing in documents or cartoons are included.
4. Physical: Any sexually suggestive or unwanted physical contact including touching, unwelcome hugging, kissing, pinching, brushing of the body, coerced sexual intercourse or actual assault.

C. Complaints:



ADMINISTRATIVE MANUAL

<i>SUBJECT:</i> GRIEVANCE AND COMPLAINT PROCEDURES Sexual and Other Harassment	<i>Chapter:</i> 12
	<i>Section:</i> 12.3
<i>REFERENCES:</i> Title VII, Civil Rights Act of 1964	<i>Page:</i> 4 of 6
	<i>Revised:</i> 6-21-02

1. Any employee who believes they have experienced harassment in violation of this policy or who is aware of such harassment at work must immediately report the prohibited conduct to any one or more of the individuals listed below:
 - a. Immediate supervisor
 - b. Other supervisor within the organization, preferably within the chain of command
 - c. Office of Personnel (OP)
2. If the accused harasser is the immediate supervisor, the employee is not required to report nor discuss the harassment with them. Employees are encouraged to discuss concerns relating to harassment with someone in their chain of command.
3. It is important to describe, in writing, what has occurred and what has been done, providing any documentation and names of witnesses.

D. Management Responsibility:

1. All managers are responsible for immediate action in any incidents of harassment. Any member of management who observes or receives a complaint of harassment shall immediately advise the Human Relations Officer or Chief, Office of Personnel.
2. Managers/supervisors are responsible for ensuring the workplace is free of harassment.
3. Managers/supervisors shall not participate in intimate, romantic or dating relationships with their subordinates or with employees involved in power-differentiated relationships.

E. Investigations:



ADMINISTRATIVE MANUAL

<i>SUBJECT:</i> GRIEVANCE AND COMPLAINT PROCEDURES Sexual and Other Harassment	<i>Chapter:</i> 12
	<i>Section:</i> 12.3
<i>REFERENCES:</i> Title VII, Civil Rights Act of 1964	<i>Page:</i> 5 of 6
	<i>Revised:</i> 6-21-02

1. Investigations of complaints of sexual harassment will be conducted by the Department's Human Relations Officer, or designee, in an expeditious manner. Complaints of other harassment requiring an investigation will be conducted by the Human Relations Officer or the appropriate staff person.
2. Investigation results will be reported to the Department Director or their designee. Information is maintained in a confidential manner and available only on a need-to-know basis.
3. Investigations of complaints of harassment are confidential, as are all witness interviews, documents gathered. Complaints may be communicated as discreetly as possible to other employees if necessary to the investigation. Copies of investigations and materials gathered during the course of an investigation will not be maintained in any employee personnel file unless it is materials involved in and supporting a disciplinary action.

F. Remedial Action:

1. Appropriate remedial action will be taken to remove all forms of harassment.
2. Penalties for violating this policy can involve reprimands, suspension, demotion, and dismissal.
3. Any employee who impedes an investigation or provides false information may be subject to disciplinary action.

G. Retaliation:

1. No employee shall experience retaliation for filing a complaint or otherwise utilizing this policy.



ADMINISTRATIVE MANUAL

<i>SUBJECT:</i> GRIEVANCE AND COMPLAINT PROCEDURES Sexual and Other Harassment	<i>Chapter:</i> 12
	<i>Section:</i> 12.3
<i>REFERENCES:</i> Title VII, Civil Rights Act of 1964	<i>Page:</i> 6 of 6
	<i>Revised:</i> 6-21-02

2. Witnesses are also protected from retaliation for participating in an investigation or reporting harassment under this policy.
3. Employees who feel they have experienced retaliation are required to report the activity to either their immediate supervisor, another supervisor within the chain of command, or the Human Relations Officer.

H. False/Malicious Accusations/Complaints

1. Any employee who is found, through investigation or other means, to have made false and/or malicious accusations and/or complaints will be subject to immediate disciplinary action.
2. Disciplinary action can involve reprimands, suspensions, demotions and dismissal.

Prepared by:

Approved by:

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